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ADS Chapter 405

Telework

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Functional Series 400: Personnel**ADS Chapter 405 – Telework**POC for ADS 405: Joann Jones, (202) 712-5048, JoJones@usaid.gov**Table of Contents******This chapter has been modified in its entirety.***

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Functional Series 400: Personnel

ADS 405 – Telework

405.1 OVERVIEW

Effective Date: 05/20/2011

This chapter provides the policy directives and required procedures that govern USAID's Telework Program and its implementation, in accordance with the [Telework Enhancement Act of 2010, P.L. 111-292 \(the Act\)](#) signed into law on December 9, 2010. USAID's commitment to implementing the new law underscores its commitment to support innovations in the workplace that support work/life effectiveness.

This chapter is primarily directed to implementing telework in USAID/Washington. However, USAID Missions are not excluded from using telework arrangements in the field. Principal Officers must implement USAID Telework Programs for overseas staff in coordination with the Chief of Mission, Regional Bureau Assistant Administrator (AA), and the Office of Human Resources (OHR). Mission management may use and adapt this policy directive and required procedures, as appropriate.

[The Act](#) defines the term "telework" as a "work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work." Telework known under various names such as "work at home," "flexible work," and "telecommuting," is a method of accomplishing work requirements from a different location. The work location might be a residence or another alternative location. This definition of telework includes what is generally referred to as "remote work," but does not include any part of work done on official travel or mobile work.

There are two types of telework: 1) routine telework, in which telework occurs as part of an ongoing, regular schedule; and 2) situational telework, that is approved on a case-by-case basis where the hours worked were not part of a previously approved, ongoing, and regular telework schedule. (See Section **405.3.2** for additional information and examples of situational telework.)

USAID recognizes that telework has multiple benefits in the following areas:

- Recruiting and retaining the best possible workforce, particularly new employees to the Agency who have high expectations of a technologically forward-thinking workplace and work/life balance;
- Helping employees manage long commutes and other work/life issues that, if not addressed, can have a negative impact on their overall effectiveness, or lead to employees leaving the Agency;

- Reducing traffic congestion, emissions, and infrastructure impact in urban areas, thereby improving the environment;
- Saving the taxpayer dollars by decreasing real estate costs; and
- Ensuring continuity of Mission critical Agency functions in the event of national or local emergencies (see Sections 405.3.4(e) and **405.3.11**).

USAID is mandated to fulfill the following responsibilities:

- (1) Establish a policy that complies with requirements in [the Act](#) and authorizes eligible employees to telework;
- (2) Determine the eligibility of all USAID employees to participate in telework and notify employees of their eligibility to telework;
- (3) Require a written telework agreement for eligible employees between employee and manager to ensure that telework does not diminish employee or Agency performance;
- (4) Provide an interactive telework training program to be completed prior to the signing of the telework agreement for employees eligible to participate in telework and their managers; and
- (5) Promote greater use of telework during emergency situations, including severe weather conditions or other circumstances that disrupt or prevent employees from commuting or reporting to work.

405.2 PRIMARY RESPONSIBILITIES

Effective Date: 05/20/2011

- a.** The **Office of Human Resources (OHR)** is responsible for providing policy guidance for USAID's Telework Program, coordinating and preparing information and data to comply with the Office of Personnel Management (OPM)'s reporting requirements, and evaluating the effectiveness of the Agency's Telework Program by auditing it or other assessment methods.
- b.** The **Office of Human Resources Telework Managing Officer (TMO)** is a senior official with direct access to the Administrator who serves as the primary point of contact for OPM on telework matters and advises senior management on aspects of the program, assists with the development of goals and metrics, and the progress made toward accomplishing Agency goals for the program.
- c.** **Employees** are responsible for obtaining approval to telework and for adhering to established telework policy directives and required procedures. This includes attending required training, adhering to office procedures and protocol regarding when

they are teleworking and where they can be reached, and ensuring that telework does not negatively impact their coworkers and immediate supervisor. Employees are responsible for accounting for what they have accomplished on a telework day, and certifying their telework days when reporting hours of duty in webTA, the Agency's electronic time and attendance system.

d. Telework Coordinators in Bureaus/Independent Offices (B/IOs) are responsible for coordinating and reporting information to OHR regarding B/IO participation of staff in telework arrangements, working with B/IO managers to establish office protocols on reaching employees who are teleworking, and tracking approvals, denials, and terminations of telework agreements.

e. First Line Supervisors are responsible for approving individual employee requests to use situational telework or unscheduled telework, if the employee is under an approved USAID Telework Agreement. In addition, these officials are responsible for evaluating their employees' productivity for the time spent teleworking, taking required training to manage telework effectively, and ensuring that their employees receive training. First line supervisors are responsible for notifying newly-hired employees of their eligibility for telework within two weeks after they enter on duty.

f. Division Chiefs or Second Level Supervisors are responsible for making eligibility determinations and approving telework agreements for nonsupervisory staff and first line supervisors normally within ten workdays of receipt. In addition, these officials are responsible for taking required telework training to manage telework effectively and developing work productivity measures to assess workplace efficiency and productivity.

g. Regional and Functional Bureaus Deputy Assistant Administrators (DAAs) and Heads of Independent Offices are responsible for taking required telework training to manage telework effectively, ensuring equity, impartiality, and consistency of program implementation, and approving telework agreements for supervisory staff that report directly to them. They are also responsible for ensuring that work productivity measures are developed across their organization and making final decisions on employee appeals for denial or cancellation of telework (see Section **405.3.5**).

h. Regional and Functional Bureaus Assistant Administrators (AAs) and Heads of Independent Offices are responsible for approving telework arrangements on a case-by-case basis that go beyond the norm of this telework policy; for example, full-time telework or long distance telework (see Section **405.3.4c**). In addition, these officials are responsible for ensuring that measures and other metrics are in place to assess the effectiveness of telework in accomplishing work objectives.

i. Principal Officers are responsible for implementing USAID Telework Programs overseas in coordination with the Chief of Mission, Regional Bureau AA, and OHR. For those Missions that implement telework arrangements in the field, these officials are responsible for ensuring that a Mission order is prepared with required procedures, and

that all overseas staff who participate in telework are placed under a telework agreement.

j. The **Bureau for Management, Chief Information Officer (M/CIO)** is responsible for establishing the Agency's policy regarding the handling of Sensitive but Unclassified (SBU) information in electronic format (see [ADS 545, Information Systems Security](#)). In addition, the CIO is responsible only for providing network connectivity from teleworkers' personal computers (or other computer hardware) to the Agency's e-mail and other electronic databases for use at the alternative workplace.

405.3 POLICY DIRECTIVES AND REQUIRED PROCEDURES

405.3.1 Coverage

Effective Date: 05/20/2011

[The Act](#) covers all employees meeting the definition of "employee" as defined in [5 U.S.C. 2105](#), which applies to all USAID U.S. direct -hire Civil Service and Foreign Service employees.

Although [the Act](#) does not specifically apply to the Agency's non-direct hire workforce, the Agency is extending coverage as a matter of policy.

Missions must coordinate participation of overseas staff with the Chief of Mission and Regional Bureau AA. Local customs and labor laws must also be considered in determining whether it is appropriate for Foreign Service National and Third Country National Direct Hires (FSNDHs and TCNDHs) and Foreign Service National and Third Country National Personal Services Contractors (FSNPSCs and TCNPSCs) to participate.

Employees of Participating Agencies under any type of interagency agreement (for example, Participating Agency Service Agreements, 632(b) agreements, etc.) who regularly work in USAID space are covered by the guidance.

All U.S. Personal Services Contractors (USPSCs), Cooperative Administrative Support Units (CASUs), Fellows, and employees of contractors or recipients who regularly work in USAID space may be covered under this policy, unless the terms of the contract or agreement under which they are employed, or the contractor/recipient's own human resources policies and procedures, expressly preclude it.

The Agency's telework policy will be incorporated as appropriate in future awards, including but not limited to, contracts, grants, cooperative agreements, and interagency agreements.

405.3.2 General Provisions

Effective Date: 05/20/2011

This section establishes the Agency's policy directives and required procedures governing USAID's Telework Program.

1. USAID will facilitate telework arrangements for employees when such arrangements are beneficial to the Agency in terms of effective or enhanced quality of work, productivity, timeliness of performance, and customer service. While these arrangements are beneficial to employees in terms of their work/life balance and savings in time and financial costs associated with commuting to and from the office, the mission of the Agency must be the primary consideration in approving these arrangements. Consistent with this consideration, USAID will encourage telework arrangements and approve them whenever feasible.
2. To comply with [the Act](#), managers must be committed to using telework to the fullest extent possible. Telework should be implemented strategically, taking into account the needs and work of the organization, rather than approving participation on a case-by-case basis. To promote telework, the Agency must set teleworking goals and minimum levels of participation for each organization, taking into account the unique mission requirements, type of positions, and work of each organization.
3. To that end, individual managers must assess who is and who is not eligible for telework in their organizations, taking into account the eligibility criteria in Section **405.3.3**. Employees must be notified regarding their eligibility prior to June 7, 2011, and eligible employees must enter into an e-telework agreement with management. Participation in each organization will be monitored. Telework Coordinators must maintain information on employee participation and compliance with telework program requirements by keeping the Telework Tracking Worksheet, AID 400-39, up to date.
4. First line supervisors will notify newly hired employees regarding their eligibility to telework within two weeks of when they enter on duty.
5. Bureau/Independent Offices (B/IOs) may use telework as a recruiting tool and should advertise appropriate vacancies as being telework eligible. For example, "The duties of this position can be performed while teleworking"; or "This position is eligible for telework."
6. An employee's telework schedule may be regular and recurring or situational in nature. "Situational telework" is sometimes referred to as episodic, intermittent, or ad hoc. The "unscheduled telework" option made available to employees this winter is a form of situational or ad hoc telework. The various types of telework and approving officials are found in Section **405.3.4**.

7. It is strongly encouraged that, even if an employee is not eligible for regular and recurring telework each week, he or she should complete an e-telework agreement for situational telework. This allows the employee to have the flexibility to telework when there are emergencies such as inclement weather or other unforeseen contingencies that prevent the employee from commuting to his or her official worksite.
8. The Act requires that employees be placed under a written telework agreement to participate in any type of telework (see Section **405.3.4**). For USAID, e-Telework Agreements, AID 400-8 form, remain in effect up to one year, although lesser periods may be approved. Approved e-telework agreements must be reviewed within 60 days of its effective date by the manager and employee. New e-telework agreements should be prepared and signed if there is a change in work circumstances and when a new employee/supervisory relationship is established.
9. The Act mandates that USAID make interactive telework training available to employees. There are two basic courses online: Telework 101 for Managers and Telework 101 for Employees -- which may be accessed via the joint Office of Personnel/General Services Administration (OPM/GSA) Web site at <http://www.telework.gov>. USAID will offer mandatory customized training for both managers and employees on the new telework policy directives and required procedures, telework etiquette, responsibilities, and requirements under the Act.
10. Participation in the USAID Telework Program is voluntary. Although use of telework is encouraged, employees cannot be ordered to telework, unless the employee is a member of the COOP (Continuity of Operations Plan) for his or her B/IO, and an activation of the continuity plan occurs. COOP employees must be prepared to work offsite at any time during an emergency event or a situation that results in a disruption to normal office operations to ensure the continuation of Agency essential business operations (see Sections **405.3.4e** and **405.3.11**).
11. Telework is an arrangement first and foremost to facilitate the accomplishment of work. It is a discretionary tool and may be terminated by management for business reasons, operational needs, or an employee's failure to comply with policy directives and required procedures. Subsection 6502(b)(1) of the Act states that participation must "ensure that telework does not diminish employee performance or agency operations."
12. While the intent of the Act is to promote and encourage telework to the maximum extent possible without diminished employee performance, participation in telework is not an employee "right." Telework is not an entitlement and not all employees are eligible to telework. Rather, it should be based upon sound business and performance management principles. Although many types of positions have portable work requirements, they may not be

conducive to telework. Participation may be limited because of the duties encompassed by the position or other aspects of the work environment specific to the job in question (see Section **405.3.3**).

For example, positions involving classified or sensitive but unclassified (SBU) materials and those requiring daily face-to-face contact may not lend themselves to regular and recurring teleworking. However, even for positions with these requirements, managers should consider whether there may be other portable work that can be performed at any location. Examples of portable work include the following: reading reports, analyzing documents and studies, drafting memos, setting up conference calls, writing performance appraisals, and similar tasks that do not necessarily require an employee to be physically present at the official worksite.

13. Although telework will give some employees more time to meet family responsibilities with time saved from commuting, it is not a substitute for child or eldercare. Employees must not use duty time for any purpose other than official duties, and must make other arrangements for dependent care. For example, children in a childcare center during the workday should remain in the center or be cared for by another family member at home, if that is the employee's alternative worksite. However, a teenager or elderly dependent may be at home while the employee teleworks, if those dependents are independently pursuing their own activities.

14. Employees may be called into the office if their presence is required on a telework day. Normally, an employee is notified of such a change in advance, but sometimes advance notice is not possible in certain unforeseen circumstances or emergencies. Telework employees are subject to workplace requirements; for example, random drug testing. They must report to the official worksite when requested, even if that day is normally a telework day for them. Transportation costs to the official worksite on a day usually scheduled for telework will not be reimbursed by the Agency.

15. An employee may be asked to return to the office for operational reasons and business needs. This temporary recall does not terminate the telework agreement. Requests by employees to change their scheduled telework day(s) or substitute a day for the telework day missed should be accommodated by the supervisor, where practicable, and consistent with work requirements. A permanent change of the telework agreement must be reflected by approval of a new [AID 400-8 form, e-Telework Agreement](#).

405.3.3 Eligibility and Participation

Effective Date: 05/20/2011

1. [The Act](#) outlines three preconditions for participation, including that the employee:

- Is deemed eligible;
- Is trained in telework;
- Has a written agreement with his or her manager.

2. All employees are potentially eligible to participate in the USAID Telework Program, including supervisors and managers, except for two conditions that make an employee ineligible. Section 6502(a)(2)(A)(B) of [the Act](#) excludes two categories of employees who may not be deemed eligible under any circumstances:

- An employee who “has been officially disciplined for being absent without permission for more than 5 days in any calendar year;” and
- An employee who “has been officially disciplined for violations of subpart G of the Standards of Ethical Conduct of employees of the Executive Branch for reviewing, downloading, or exchanging pornography, including child pornography, on a Federal Government computer or while performing official Federal Government duties.”

The term “official discipline” means a disciplinary action that results in the placement of a document in the employee’s Official Personnel Folder (OPF). The bar on participation would remain in effect as long as the document stays in the employee’s OPF. A document that permanently remains in the employee’s OPF means that the employee is permanently prohibited from telework participation.

3. Although many types of positions have portable work requirements, they may not all be conducive to telework. Participation may be limited because of the duties encompassed by the position, operational needs, staff coverage, or other aspects of the work environment specific to the job in question.

4. Individual managers must make eligibility determinations for employees in their organizations for participation in telework, taking into account various eligibility criteria. These criteria should be applied impartially and consistently.

5. Some factors to be considered in approving a telework arrangement include the following:

- The nature of the work to be performed and the employee's job responsibilities allow for effective or enhanced performance away from the official worksite. Positions eligible for telework are those involving tasks and work activities that are portable, do not depend on the employee being at the official worksite, are measurable, and are conducive to remote supervision.
 - Whether a job is suitable for telework depends on the tasks and work activities, rather than the job series and title of the employee. All managers and supervisors are encouraged to promote telework in their

organizations and to use it themselves to accomplish tasks that require uninterrupted attention. Managers and supervisors should participate in telework in order to lead by example and be comfortable in dealing with the dynamics of managing in a telework environment.

- Tasks and work activities generally suited for telework include, but are not limited to: reading, reviewing, editing, scheduling, planning, writing, policy development, research, analysis (for example, investigating, program/management analysis, policy analysis, and financial analysis); auditing reports or accounting; preparing employee appraisals, reviewing grants or legal cases, writing decisions or reports; telephone-intensive tasks (for example, setting up a conference, obtaining information, following up on participants in a study); performing computer-oriented tasks (for example, online required or developmental training, programming, data entry, word processing, Web page design, and data processing).
 - Tasks and work activities not generally suited for telework include, but are not limited to: positions that involve daily handling of sensitive Personally Identifiable information (PII) or classified national security information (which cannot be transmitted, discussed, or stored at an alternative worksite) or require the use of specialized on-site equipment; require daily contact with other individuals, like escorting or receiving guests on a daily basis or where a daily physical presence is required per the official duties of the position. However, even employees with these duties may still have occasional tasks that can be done remotely.
 - A [Telework Eligibility Exercise Charting Tool](#) has been created for an employee to complete and to facilitate a discussion between employee and manager regarding his or her potential participation in telework and identification of portable tasks that may be accomplished off site. The worksheet assists employees in breaking down their tasks and activities and exploring activities that are best suited for telework. The degree of portability of an employee's work factors into determining how often the employee may be permitted to telework on a routine basis each pay period.
 - The product or work accomplished by the employee while teleworking can be evaluated and quantified by the supervisor.
- The employee remains available by phone and e-mail to respond to the needs of the office.

- Arrangements are made to minimize or eliminate any negative impact of the employee's absence on office coverage, customer service, and accessibility of the teleworker to his or her supervisors and colleagues;
- The absence of the employee will not diminish employee performance, work operations, or the ability of the organization to accomplish its mission; and
- An employee suitable for telework is one who has demonstrated personal characteristics that are well suited to telework, including:
 - i. Dependability and the ability to handle responsibility;
 - ii. High personal motivation, initiative, good organizational and time management skills, and ability to prioritize work effectively;
 - iii. Ability to accomplish work assignments on a timely basis without continuous, direct supervision;
 - iv. "Fully Successful" or equivalent performance rating;
 - v. No conduct or performance issues.

6. Participation may be limited for those employees whose official duties require on a daily basis (every workday) the following:

- Direct handling of classified national security information or sensitive but unclassified (SBU) materials;
- On-site activity that occurs each day that cannot be handled remotely or at an alternative worksite because its performance requires face-to-face personal contact with the supervisor, other employees, clients, or the general public; or
- Other physical presence/site-dependent activity.
- Civil Service employees whose last annual performance rating of record is below "Fully Successful" or who are currently under a Performance Improvement Plan. Foreign Service employees who have received a report card rating of less than "B" and have been referred directly to the Performance Standards Board in the past two years.
- Employees who are attending classroom training.
- Employees whose demonstrated performance or conduct warrants more close supervisory direction than telework may provide.
- Employees who received disciplinary action or adverse action (letter of

reprimand through 30-day suspension or less) within the preceding 12 months.

- The employee's absence from the office creates an unmanageable burden for other staff members in the office.
- Employees recently assigned or newly appointed to trainee or entry-level positions.

405.3.4 Types of Telework Arrangements

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There are two primary types of telework arrangements: Situational or Regular and Recurring Telework. Employees who are approved for regular and recurring telework and placed under an e-Telework Agreement, [AID 400-8 form](#) may also participate in situational telework.

a. Situational Telework Arrangements

The first type of telework is situational telework which is performed on a case-by-case basis where the hours worked were not part of a previously approved, ongoing, and regular telework schedule. There are many different scenarios in which an employee can be approved for situational telework.

Examples include but are not limited to the following:

- An employee has a short-term need for uninterrupted time to complete work on a complex project or report;
- An employee is recovering from illness or injury and is temporarily unable to physically report to the official worksite; and
- An employee receives word of an official OPM announcement that, due to inclement weather, the Government in the Washington, D.C., area is "Open for Unscheduled Leave or Unscheduled Telework" and calls his or her supervisor to ask for unscheduled telework that day.

Because of the non-recurring nature of this type of telework, employees must obtain their immediate supervisor's approval in advance each time they wish to telework on a situational or ad hoc basis. The employee and his or her supervisor must have a clear understanding and agreement as to what work will be performed during the time requested for teleworking.

[The Act](#) requires that all employees be placed under a telework agreement, regardless of whether the telework is situational or regular and recurring in nature. For USAID employees, AID 400-8 form, e-Telework Agreement, is used to formalize the agreement between the manager and the employee.

The employee completes Nos.1-12 of the e-telework agreement. In addition, the employee completes AID 400-7 form, e-Telework Safety, Training, and Resource Checklist. The employee e-mails both forms to the Approving official for final action. The Approving official completes Nos. 13-17 of the e-telework agreement, and upon approval, e-mails both forms to the Telework Coordinator and the employee. If denied, the Approving official provides a specific reason for the denial in item 13 of the e-telework agreement and e-mails the denied e-telework agreement form to the Telework Coordinator and the employee. A denial should also include information about when the employee might reapply, and what actions the employee should take to improve his or her chance of approval.

For non-supervisory employees, Division Chiefs, or equivalent second-level supervisors are authorized to approve e-telework agreements. For supervisory staff, approving officials are their immediate supervisor. For small Independent Offices with no subdivisions, the Head of the Office is the Approving official.

Once an employee is placed under an approved e-telework agreement for situational telework, he or she needs to obtain a verbal or written approval to telework on any given workday.

b. Regular and Recurring Telework Arrangements

The second type of telework is performed on a regular and recurring basis. Employees must enter into a USAID Telework Agreement, [Form AID 400-8](#) and complete the e-Telework Safety, Training and Resource Checklist, [Form AID 400-7](#). The Approving officials are the same as those mentioned for situational telework.

Telework arrangements must be reviewed within 60 days of the effective date of the e-telework agreement. The date of this review must be documented on the e-telework agreement. Based on the outcome of this review, the telework agreement may remain in place, be modified, or terminated altogether for various reasons, diminished work productivity, if telework no longer meets the needs of the organization, etc. (see Section **405.3.5**). If changes are needed, the employee and Approving official must enter into a new e-telework agreement.

c. Requests for Telework in Special Situations

Employees may make requests to telework because of some unforeseen situation or a family or personal emergency that arises and requires their attention away from the official worksite for a temporary period normally not to exceed 90 days. In such a case, an employee may be able to work on a full-time or part-time basis at an alternative location, if the employee has work that can be accomplished remotely rather than have to use annual or sick leave.

Such special situations fall outside of the norm of this policy and are dealt with on a case-by-case basis. These requests must be approved by the B/IO Head and cleared

by OHR. These arrangements may have an impact on the employee's pay and official worksite determination (see Sections **405.3.6** and **405.3.12**) if the proposed alternative worksite is outside of the Washington locality pay area. Such telework requests must be documented in writing in an action memo with a detailed description of the proposed arrangement, the tasks and work activities that will be performed, the location of the alternative worksite, and any associated costs to the organization.

If approved, the employee and the Division Chief or other equivalent second level Supervisor must execute an e-telework agreement, [Form AID 400-8](#), that addresses the special situation. Management must ensure that the employee is made aware of any impact to pay or benefits that may result from the telework arrangement.

d. Accommodating Short-term Medical Conditions

Situational telework may be a short-term solution for accommodating an employee who is temporarily unable to come to the official worksite but is capable of working. For example, an employee has undergone a surgical procedure and must stay off his or her feet for some period of time. An overseas employee must return to the U.S. for childbirth six weeks before her estimated delivery date and has tasks that can be done at her home leave address. These employees are able to telework on a full-time or part-time basis at home and have work that can be done remotely rather than having to use sick leave or annual leave.

Employees who request telework on a temporary basis normally not to exceed six months due to an incapacitating short-term medical condition must enter into an e-telework agreement [Form AID 400-8](#), that addresses the specific conditions under which telework will be performed. For non-supervisory employees, Division Chiefs or other equivalent second-level supervisors are approving officials. For supervisory employees, the immediate supervisor is the Approving official. In addition, employees must obtain a medical certificate from their attending physician stating that they may work at home or other alternative location for (specify number of hours each day) for the period of the employee's medical incapacitation.

Telework may also be used as a reasonable accommodation for a current employee or new hire with a more permanent mobility issue or other relevant disability (see [ADS 110.3.6.2, Reasonable Accommodation](#)). When telework is requested as a form of reasonable accommodation, USAID will adhere to the requirements of the Rehabilitation Act of 1973 and implementing Equal Employment Opportunity Commission (EEOC) regulations at [29 CFR 1630](#) in processing and responding to such a request. The Office of Civil Rights and Diversity (OCRD) must be consulted regarding such requests.

For further guidance on the use of telework arrangements as a form of reasonable accommodation, see the [EEOC's Fact Sheet "Work at Home/Telework as a Reasonable Accommodation," October 27, 2005](#).

e. USAID Emergency Planning and Telework

USAID must have the ability to ensure continuity of essential operations in emergencies if any portion of the Ronald Reagan Building (RRB) and other USAID facilities within the Washington, D.C. area become non-operational. Increased threats of terrorist attacks like September 11, 2001, health pandemic crisis, inclement weather, power outages, protests, major demonstrations, and other recent events have caused the Agency to reevaluate its emergency preparations and consider other options such as telework.

There is a direct relationship between the Continuity of Operations Plan (COOP) and Telework. The two programs share a basic objective: to perform and maintain Agency functions from an alternative location. Telework can help ensure that essential Agency functions continue during emergency situations.

The Agency has incorporated telework as an essential part of its continuity planning. (see Section **405.3.11**). Telework is a tool that can be used to augment a COOP activation. It allows employees to conduct some or all of their work at an alternative worksite away from the official worksite, when emergencies or other disruptions occur. The e-telework agreement indicates when an employee is participating in normal telework as well as COOP-related telework responsibilities.

Mission management should develop and coordinate appropriate emergency plans with the Chief of Mission.

405.3.5 Denial or Termination of Telework Agreements

Effective Date: 05/20/2011

Telework requests may be denied, and e-telework agreements may be terminated. Denial and termination decisions must be based solely on business reasons or employee conduct and performance issues. Personal reasons are not a factor in denying a telework request or terminating an e-telework agreement.

For example, a manager may deny an e-telework agreement requesting regular and recurring telework if, due to staffing shortages, an employee who otherwise has portable duties must provide on-site office coverage. Managers must document their decision to deny an e-telework agreement and provide specific reasons for the action taken in No. 13 of the e-telework agreement.

Notification of a denial of an e-telework agreement will normally be provided within 10 working days of receipt. A denial should include information about when the employee might be reconsidered for telework and indicate what actions the employee should take to improve his or her chance of approval.

An e-telework agreement may be terminated by either management or by the employee. The employee or management official may cancel or modify the e-telework agreement normally with prior notification of 10 workdays. Agreements may be terminated in less than 10 workdays for non-compliance with telework policy directives and required procedures or when otherwise warranted by the circumstances.

Reasons for termination of a telework arrangement must be based on valid business considerations including, but not limited to, diminished performance or productivity, unmanageable burden on other staff members, no adequate resolution to staff coverage, customer's satisfaction with service provided is adversely affected, or the arrangement no longer meets the organization's needs.

OPM tracks the numbers of telework agreements denied and/or terminated as well as the reasons for such actions. Therefore, managers must provide their Telework Coordinator and affected employee a copy of the denied or cancelled e-telework agreement. This form must document a specific reason for the action taken in No. 13 of the agreement form. The Telework Managing Official should also be apprised of any denials or terminations.

Employees may appeal a denial or termination of an e-telework agreement to the Deputy Assistant Administrator (DAA) of the Bureau or Head of the Independent Office.

Bargaining unit employees may file a grievance about the denial or termination of a telework agreement through the negotiated grievance procedure. Non-bargaining unit employees may file a grievance through the Agency's administrative grievance process (see [ADS 495, Foreign Service National Personnel Administration](#)).

405.3.6 Official Worksite

Effective Date: 05/20/2011

a. Designating the Official Worksite for Location-Based Pay Purposes

The official worksite is the location of an employee's position of record where he or she normally works, not his or her telework location, as long as the employee is regularly scheduled to report to that site at least two days per pay period (see [5 CFR 531.605\(d\)\(1\)](#)). At the official worksite, the employee is entitled to the designated locality rate for the official worksite.

Otherwise, if a telework employee's work location varies on a recurring basis and he or she is not scheduled to report at least two days per pay period, then the telework site is the official worksite. Reassignment of official worksite can affect pay. The employee whose official worksite is reassigned receives locality pay for the alternative worksite location, which may be lower than his or her official worksite.

In accordance with [5 U.S.C. 5702](#), in a case where the official worksite is reassigned to the alternative worksite location, trips to the main worksite are considered "official business" and the employee is entitled to travel reimbursement.

A change of the official worksite to the alternative worksite location must be documented on the employee's [SF-50, Notification of Personnel Action](#).

For Civil Service employees who are under a rank-in-position system, reassignment of official worksite may have implications for a Reduction in Force, as the new location may be a different competitive area than the original worksite (see [ADS 452, Reduction in Force – Civil Service](#)).

b. Temporary Changes in Work Location

An employee's work location may change on a temporary basis. Such a change may or may not affect the employee's official worksite as explained below:

- If an employee is in temporary duty travel status away from the official worksite for his or her position of record, the employee's official worksite and associated pay entitlements are not affected.
- If an employee is temporarily detailed to a position in a different location, then the employee's official worksite and associated pay entitlements are not affected.
- If an employee is authorized to receive relocation expenses pursuant to [5 U.S.C. 5737](#), in connection with an extended assignment resulting in temporary change of station, the worksite associated with the extended assignment is the official worksite. (See [41 CFR 302-1.1](#).)
- If an employee is temporarily reassigned or promoted to another position in a different geographic area, the temporary work location is considered the official worksite for pay purposes.

c. Temporary Telework Arrangements

In certain temporary situations, USAID may designate the location of the official worksite as the official worksite of an employee who teleworks on a regular basis at an alternative worksite, even though the employee is not able to report at least two days per pay period. These exceptions are meant to address certain situations where the employee is retaining his or her residence in the locality pay area for the official worksite but is temporarily unable to report to the official worksite for reasons beyond the employee's control.

The regulations in [5 CFR 531.605\(d\)\(3\)\(i\)](#) and [531.605\(d\)\(3\)\(ii\)](#) provide for certain exceptions to reassignment of the official worksite to the telework site in appropriate situations of a temporary nature. Examples include an employee's recovery from an injury or medical condition or the employee is affected by an emergency situation preventing him or her from commuting to the official worksite such as inclement weather or a pandemic health crisis.

405.3.7 Hours of Duty

Effective Date: 05/20/2011

Employees who telework maintain hours of duty consistent with Agency policy and procedures on work schedules and hours of duty in USAID/W or the Mission (see [ADS 479, Hours of Duty](#)). Management determines the employee's work schedule consistent with the work requirements and operational needs of the office.

Employees must be present at their alternative worksite during their scheduled hours of duty, unless an alternate location has been agreed to by the employee and his or her supervisor. Employees working offsite must be readily accessible by telephone and e-mail during the core hours of the workday. For USAID/W, core hours are 9:30 a.m. to 11:30 a.m. and 1:30 p.m. to 3:45 p.m., during which time all full-time employees must be in a duty status or on approved leave.

Participation in telework and alternative work schedules (AWS) is not mutually exclusive. Employees who telework may also have alternative work schedules at the discretion of management. Please note that employees who wish to participate in both AWS and Telework must have an approved Work Schedule Request, AID 400-6. (see [ADS 479](#)). The same Approving official may authorize an employee's participation in either or both programs.

405.3.8 Leave

Effective Date: 05/20/2011

Leave requests by employees who telework must be made in the same manner as they would be for employees not engaged in telework activities. Employees must follow Agency policy directives and required procedures when requesting leave and input their requests in advance using webTA, USAID's time and attendance system (see [ADS 480, Leave](#)).

Similar to when an employee is at his or her official worksite, an employee may adjust his or her work schedule or request leave for a portion of his or her telework day subject to supervisory approval; for example, to attend a medical appointment or deal with a household repair.

405.3.9 Certification and Control of Time and Attendance

Effective Date: 05/20/2011

Supervisors must report time and attendance to ensure that teleworking employees are paid for work performed and to account for absences from scheduled tours of duty.

The Government Accountability Office (GAO) requires agencies with employees working at alternative worksites to provide reasonable assurance that employees are working when scheduled. This can be accomplished by determining the reasonableness of the work output for the time reported or by logging in and out each day via telephone or e-mail (see [Title 6, GAO's Policy and Procedures Manual for the Guidance to Federal Agencies \(Timekeeping\)](#)).

The requirement for certification and control of time and attendance is covered in [ADS 479](#) and [ADS 480](#).

For reporting regular duty at a telework site, there are separate codes in webTA. Under the dropdown menu for regular duty, there are codes for both situational and regular and recurring telework:

- Telework – Situational
- Telework – Regular (1-2 Days/Wk)
- Telework – Regular (3-5 Days/Wk)

Additionally, if paid overtime or compensatory time off are approved in writing in advance, but earned via telework, those hours must be recorded in webTA as:

- Telework – Overtime Over 8 hrs.
- Telework – Overtime Over 40 hrs.
- Telework – Comp Time Earned

405.3.10 Early Dismissals, Emergency Closures, and Delayed Arrivals

Effective Date: 05/20/2011

Early Dismissals

Employees who are regularly scheduled to telework at home on a day when there is an OPM announcement of an early dismissal normally are expected to continue working. However, these employees may be excused from duty on a case-by-case basis when circumstances prevent them from working at home or other alternative worksite at the discretion of their supervisor (see **Emergency Closures**).

When OPM announces an early dismissal/unscheduled telework policy, employees who are at their official worksite may request unscheduled telework if they wish to leave prior to their scheduled departure time without charge to annual leave, if approved by their supervisor. If an employee requests unscheduled telework, then the employee is required to telework for the time between his or her actual departure time and his or her scheduled departure time under the Government's early dismissal policy.

For example, an employee's normal departure time is 5:00 p.m. OPM announces a three-hour early dismissal policy for the Government due to snow and icy conditions. The employee will be dismissed from work at 2:00 p.m. The employee asks his or her supervisor if the employee can go home at 1:00 p.m. on unscheduled telework to complete a task that's due the next day. The employee leaves at 1:00 p.m. and has to telework one hour at home to make up the difference in when he or she left work and when he or she would have been dismissed under OPM's early dismissal policy.

Emergency Closures

Employees approved for regular or situational telework who are not able to report to their official worksite when the Government is closed to the public due to a natural or manmade emergency event (inclement weather, hurricane, pandemic health crisis, earthquake, flooding, etc.), are required to telework each regularly scheduled workday during the emergency situation.

Supervisors have the discretion to excuse telework employees from duty on a case-by-case basis (for example, due to power outages, infrastructure or connectivity issues, childcare or eldercare issues) when circumstances prevent teleworking employees from working at home or other alternative worksites during an emergency closure when Federal offices are closed to the public.

Delayed Arrivals

Employees scheduled to telework on the day of an OPM announcement of a delayed arrival policy are expected to begin working on time.

An employee approved for situational or regular and recurring telework on the day of an OPM announcement of a delayed arrival/unscheduled telework policy for the Government may request that his or her supervisor approve unscheduled telework for that day. Employees who elect the option of unscheduled telework are expected to begin working on time. Employees must have a current e-telework agreement in place to work at home when OPM announces an unscheduled telework policy for the Government.

405.3.11 Agency Continuity of Operations Plan (COOP)

Effective Date: 05/20/2011

Management has designated certain employees in their organizations as emergency or mission critical for [Continuity of Operations \(COOP\)](#) purposes. The COOP Plan ensures that USAID can continue minimum critical functions in any disaster (whether natural, technological, or manmade) that prohibits occupancy in the Ronald Reagan Building (RRB) and other USAID facilities.

Employees who are designated as members of the COOP must be emergency ready to work offsite in another facility or at home during an emergency event when there is a disruption of normal work operations to ensure the continuation of Agency essential business. Supervisors will ensure that an affected employee is notified of this designation and that an e-telework agreement is executed to reflect membership on the COOP Team.

The COOP section of the e-telework agreement applies to all members of the USAID COOP established for USAID Washington Headquarters. The agreement sets forth the terms, conditions, and responsibilities of key staff members identified as performing mission-critical functions when an emergency closure of the RRB occurs, and a COOP

activation occurs. Additional information on the Agency's COOP Plan may be found at <http://inside.usaid.gov/M/AS/FMD/coop.html>.

405.3.12 Pay, Performance, Communication, Benefits, and Expectations

Effective Date: 05/20/2011

Teleworking employees must be evaluated consistent with the Agency's regular performance management system and performance standards. An employee who teleworks, like other employees, must meet project deadlines. The emphasis should be placed on managing for results versus direct observation. Periodic status reports may be used to assess the progress made on all work products and to determine the impact on accomplishment of work objectives for the office.

Supervisors must communicate expectations of telework arrangements including work assignments, office coverage, type (e-mail and telephone), and frequency of communications between teleworking and non-teleworking employees. Supervisors must be kept apprised of the teleworking employee's schedule and the status of all pending work assignments.

Supervisors should ensure that methods are in place to maintain open communications across the members of a work group. Coworkers must be informed about the appropriate handling of telephone calls or other communications that are the teleworking employee's responsibility. Work operations should be seamless. Customers should not notice that the employee is working from an alternative worksite.

Supervisors must provide all employees the same treatment and opportunities as non-teleworking employees with regard to work assignments, periodic feedback of job performance, awards and recognition, training and developmental opportunities, promotions, and retention incentives.

The employee whose official worksite is reassigned to the telework worksite location receives locality pay for the location of the telework worksite not the official worksite.

Participation in regular and recurring telework may have implications for employees who are receiving a monthly metro transit subsidy as they will be commuting fewer days to the official worksite (see Chapter 515, Metro Transit Subsidy Program).

405.3.13 Overtime

Effective Date: 05/20/2011

Premium pay provisions that apply to the official worksite also apply to employees at their alternative worksite. The premium pay provisions in [5 U.S.C. 5542](#), and the [Fair Labor Standards Act \(FLSA\)](#) apply to telework employees. Requests for overtime compensation must be made in the same manner as they would be for employees not engaged in telework activities.

Telework employees must not work overtime without advance approval from their supervisors. Employees must input their requests for overtime compensation in webTA for advance approval from their supervisor, using the dropdown menu under “Leave/Premium Pay.”

- Telework – Overtime Over 8 hrs.
- Telework – Overtime Over 40 hrs.
- Telework – Comp Time Earned

Supervisors must ensure that telework employees only work overtime with advance approval (see [ADS 472](#)).

405.3.14 Equipment, Costs, and Office Space

Effective Date: 05/20/2011

Management is not obligated to provide any computer equipment (hardware or software) to the employee aside from providing network connectivity to the Agency’s e-mail and other databases for use at the alternative worksite. B/IOs may loan laptops within the B/IO to employees for use at home.

The employee must agree to protect and not misuse or abuse any Agency-owned or Government-owned equipment and to use the equipment only for official purposes. The Agency will not be responsible for any other incidental costs (for example, utilities) associated with the use of the employee’s residence.

The employee is responsible for repair and maintenance of any personal equipment that they use. The B/IO may agree to provide the employee with necessary office supplies within budgetary constraints.

At the official worksite, employees who telework may be asked to engage in “hoteling” or sharing office space when they are on-site. Employees should designate a specific work space for use in performance of their duties at their home or other alternative worksite. At a minimum, an employee must be easily accessible to his or her supervisor and should frequently check voicemail or e-mail while at the alternative worksite.

Under [31 U.S.C. 1348](#), reimbursement of long-distance (domestic and international) telephone expenses are allowed if incurred as a result of official duties. Form SF-1164, Claim for Reimbursement for Expenditures on Official Business, must be completed and approved by the employee’s supervisor with a copy of the telephone charges.

To the extent possible, employees should make official long-distance calls from the official worksite where less expensive rates apply. This practice will reduce additional costs associated with the Agency’s Telework Program.

If a B/IO expects to incur a substantial cumulative amount for other Official Business, then that organization should establish a Miscellaneous Obligation Document to cover the additional expenses.

405.3.15 Security and Safeguarding of Government Information

Effective Date: 05/20/2011

Employees are prohibited under any circumstances from taking any classified information from the official worksite to an alternative worksite. In addition, electronic data files with Sensitive but Unclassified (SBU) information that contains Personally Identifiable Information (PII) must not be transferred outside the USAID.gov or State.gov network.

USAID security policies do not change and are enforced at the same rigorous level when employees telework as when they are in the office. Employees must comply with current standards for remote operations from telework sites. Employees who telework need to keep U.S. Government (USG) property and information safe, secure, and separated from their personal property and information (see [ADS 545](#), [ADS 568](#), [National Security Information and Counterintelligence Security Program](#), and [12 FAM 540](#) on SBU information).

In emergencies or other limited circumstances, the removal and use of hard copy: 1) SBU information; 2) Privacy Act and other personal information; and 3) For Official Use information at the alternative worksite must be approved by the employee's supervisor. These documents must be transported from the official worksite to the alternative worksite in a secure manner.

If an employee is permitted to remove such sensitive documents from the official worksite, then the employee is responsible and accountable for controlling and safeguarding this information at all times while in his or her possession. This information may be accessed from employee-owned equipment utilizing SBC through a remote token but it must not be stored on personal devices or employee-owned equipment. When such information is displayed on a computer screen, it must not be visible to others. The employee is responsible for ensuring that others cannot view the computer screen. Otherwise, employees must use a computer privacy screen that blocks PC screen visibility. Information in hard copy must be kept in a secure file cabinet at the alternative worksite.

Employees must take appropriate administrative, technical, and physical safeguards to ensure the security and confidentiality of records containing PII and to protect against any anticipated threats or hazards to their security or integrity. The loss or misuse of PII can result in substantial harm, fines, embarrassment, and inconvenience to individuals and USAID and may lead to identity theft or other fraudulent use of the information. Failure to safeguard PII can result in disciplinary action, up to and including removal from the Agency.

405.3.16 Worker's Compensation

Effective Date: 05/20/2011

Employees are covered by the [Federal Employees Compensation Act](#) when injured or suffering from work-related illnesses while conducting official Government business at the alternative worksite (home or other location). USAID's potential exposure to liability is restricted to the designated alternative worksite. Employees may qualify for payment for continuation of pay or worker's compensation for an on-the-job injury or occupational illness that occurs at the previously agreed upon alternative worksite and work hours (see [ADS 442, Workers' Compensation Program](#)).

Employees must address issues of their own personal safety to be effective while teleworking from home or other alternative worksite. Employees are responsible for ensuring that their home or other alternative worksite complies with health and safety requirements. Employees who enter into e-telework agreements must complete [Form AID 400-7](#), e-Telework Safety, Training and Resource Checklist. Managers must review Form AID 400-7 to ensure compliance.

While working at an alternative worksite an employee should follow the same procedures adhered to at the official worksite when injured. The injured employee must notify his or her supervisor immediately and complete the standard Department of Labor injury forms.

405.4 MANDATORY REFERENCES**405.4.1 External Mandatory References**

Effective Date: 05/20/2011

- a. [5 CFR 531.605](#)
- b. [5 U.S.C 2105](#)
- c. [5 U.S.C. 5542](#)
- d. [5 U.S.C. 5702](#)
- e. [12 FAM 540](#)
- f. [29 CFR 1630](#)
- g. [31 U.S.C. 1348](#)
- h. [41 CFR 302-1.1](#)
- i. [EEOC's Fact Sheet "Work at Home/Telework as a Reasonable Accommodation," October 27, 2005](#)

- j. [Fair Labor Standards Act \(FLSA\)](#)
- k. [Federal Employees Compensation Act](#)
- l. [Telework Enhancement Act of 2010, P.L. 111-292](#)
- m. [Title 6, GAO's Policy and Procedures Manual for the Guidance to Federal Agencies \(Timekeeping\)](#)

405.4.2 Internal Mandatory References

Effective Date: 05/20/2011

- a. [ADS 110, Equal Employment Opportunity](#)
- b. [ADS 442, Workers' Compensation Program](#)
- c. [ADS 452, Reduction in Force - Civil Service](#)
- d. [ADS 470, Pay Under the Foreign Service](#)
- e. [ADS 471, Pay Under the General Schedule](#)
- f. [ADS 472, Premium Compensation](#)
- g. [ADS 479, Hours of Duty](#)
- h. [ADS 480, Leave](#)
- i. [ADS 495, Foreign Service National Personnel Administration](#)
- j. [ADS 515, Metro Transit Subsidy Program](#)
- k. [ADS 545, Information Systems Security](#)
- l. [ADS 568, National Security Information and Counterintelligence Security Program](#)

405.4.3 Mandatory Forms

Effective Date: 05/20/2011

- a. [SF-50, Notification of Personnel Action](#)

405.5 ADDITIONAL HELP

Effective Date: 01/18/2012

- a. [ADS 405saa, Telework Eligibility Exercise Charting Tool](#)

- b. [ADS 405sab, Guidelines For Establishing A Remote Telework Agreement](#)
- c. [Continuity of Operations \(COOP\)](#)
- d. [OPM Interagency Telework Site](#)
- e. [OPM Telework 101 Training for Employees](#)
- f. [OPM Telework 101 Training for Managers](#)

405.5.1 Optional Forms

Effective Date: 05/20/2011

- a. [Form AID 400-6, Work Schedule Request](#)
- b. [Form AID 400-7, e-Telework Safety, Training, and Resource Checklist](#)
- c. [Form AID 400-8, e-Telework Agreement](#)
- d. [Form AID 400-39, Telework Tracking Worksheet](#)

405.6 DEFINITIONS

Effective Date: 05/20/2011

The term and definitions listed below have been incorporated into the ADS Glossary. See the [ADS Glossary](#) for all ADS terms and definitions.

alternative worksite

A place away from the official worksite that has been approved for the performance of assigned official duties. It may be the employee's home, an alternative location, or a telecenter, if available to USAID employees (Chapter 405)

approving official

For non-supervisory staff, the Division Chief or equivalent second level supervisor is the designated official for approving employee e-telework agreements. For supervisory staff, the immediate supervisor is the approving official. (Chapter 405)

Continuity of Operations Planning (COOP)

Continuity of Operations Planning (COOP) is an effort to ensure that the capability exists to continue Agency essential functions across a wide range of natural disasters or local or national declared emergencies. (Chapter 405)

e-telework agreement

A written agreement completed by the employee and Approving official that outlines the terms and conditions of the telework arrangement. (Chapter 405)

hoteling

Shared office space in a location designed for use on a drop-in basis by teleworking employees. The space is equipped with standard office technology including phones, computers, fax machines, printers, copiers, e-mail, Internet access, etc. Employees either reserve space in advance or are scheduled to use a cubicle, as needed. (Chapter 405)

mission-critical duties

Job position functions that are identified as critical to the performance of the Mission. (Chapter 405)

mobile work

Work which is characterized by routine and regular travel to conduct work in customer or other worksites as opposed to a single authorized alternative worksite. Examples of mobile work include site audits, site inspections, investigations, property management, and work performed while commuting, traveling between worksites, or on Temporary Duty (TDY). (Chapter 405)

official worksite

The official worksite for purposes of pay and travel is the location of the employee's main reporting office, as long as the employee is regularly scheduled to report physically at least twice each pay period on a regular and recurring basis. Otherwise, the official worksite is the location of the telework site (for example, the location of the employee's home or other alternative worksite. (Chapter 405)

regular and recurring telework

An approved work schedule where eligible employees work at an alternative worksite on a continuing basis at least one day each week or one day each pay period. (Chapter 405)

situational telework

Telework that occurs on a non-routine, occasional, emergency, or ad hoc basis. Telework that occurs to complete short-term special assignments or to accommodate special circumstances is also considered situational even though the telework may occur continuously for a finite period. (Chapter 405)

telecenter

A facility that houses workstations equipped with computers, printers, phones, fax, and copy machines that are rented or leased by an employer. (Chapter 405)

telework

A work arrangement where the employee works at a place other than the official work site. Typically, the employee covered under a telework agreement works a portion of the pay period at an alternative worksite and the remainder of the pay period at the official worksite. (Chapter 405)

unscheduled telework

Situational or ad hoc telework arrangements that can be used on a temporary basis for allowing telework-ready employees to work from alternative worksites during periods of inclement weather or other emergency situations. (Chapter 405)

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